

FILED

FEB 19 2008

1 CLERK, U.S. DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3 BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 8146

UNITED STATES OF AMERICA,

Plaintiff,

v.
Juan Carlos ORDUNO-Urena (1)

Jorge Luis LEAL-Rodriguez (2)

Defendants.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

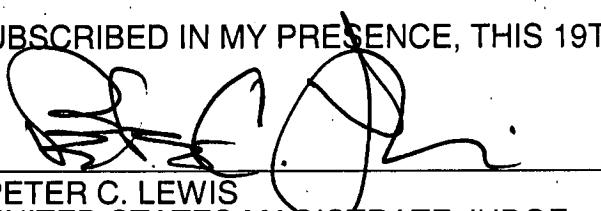
The undersigned complainant being duly sworn states:

That on or about February 18, 2008, within the Southern District of California, defendant Juan Carlos ORDUNO-Urena and Jorge Luis LEAL-Rodriguez did knowingly and intentionally import approximately 23.46 kilograms (51.61 lbs) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


22
23 Special Agent Lance Swanson
24 U.S. Immigration & Customs
Enforcement

25 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19TH,
26 DAY OF FEBRUARY 2008.



27
28 PETER C. LEWIS
29 UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
3 Juan Carlos ORDUNO-Urena (1)
4 Jorge Luis LEAL-Rodriguez (2)

5 STATEMENT OF FACTS

6 This Statement of Facts is based on the reports, documents, and notes
7 furnished to U. S. Immigration and Customs Enforcement Special Agent L. Swanson.

8 On February 18, 2008, at approximately 1745 hours, Juan Carlos ORDUNO-
9 Urena and Jorge Luis LEAL-Rodriguez entered the United States at the Calexico,
10 California, East Port of Entry. ORDUNO was the driver of a 2000 Ford Focus and LEAL
11 was the sole passenger.

12 During the primary inspection, Customs and Border Protection (CBP) Officer J.
13 Lee received a negative Customs declaration from ORDUNO, and found both
14 ORDUNO and LEAL possessed a Border Crossing Card (BCC). CBP Officer J. Lee
15 referred ORDUNO, LEAL, and the vehicle to secondary inspection because the vehicle
16 was not registered to ORDUNO or LEAL, the glove box was empty, and the story about
17 their destination was suspicious.

18 In the vehicle secondary lot, CBP Officer J. Mena observed suspicious mud
19 across the inside of the rear bumper. Officer J. Mena asked CBP K-9 Officer Barroso
20 to conduct a K-9 sweep of the vehicle. CBP K-9 Officer Barroso received an alert from
21 his Narcotics Detection Dog (NDD) on the rear bumper.

22 CBP Officer J. Mena discovered 19 packages inside rear bumper of the vehicle
23 and 1 package inside the rear passenger door for a total of 20 packages. One of the
24 packages was probed and a sample of a white powdery substance was obtained, which
25 field tested positive for cocaine. The 20 packages had a combined net weight of
26 approximately 23.46 kilograms (51.61 lbs).

27 LEAL was placed under arrest and advised of his Constitutional Rights, which he
28 acknowledged and waived, agreeing to answer questions. LEAL denied having any
29

1 knowledge of the cocaine inside the vehicle or knowledge of the vehicle owner. During
2 the interview LEAL invoked his right to an attorney and was not questioned further.

3 ORDUNO was placed under arrest and advised of his Constitutional Rights,
4 which he acknowledged and waived, agreeing to answer questions. ORDUNO stated
5 an individual asked him to transport marijuana across the border for \$1,000.00
6 approximately 3 weeks ago, but ORDUNO declined.

7 On the February 18, 2008, ORDUNO stated he asked to borrow the vehicle, from
8 the same individual, to cross the border and go shopping. ORDUNO stated he did not
9 know drugs were concealed inside, but suspected drugs might be in the vehicle.
10 ORDUNO stated he discussed the possibility of drugs being inside the vehicle with
11 LEAL, and LEAL knew the individual who lent the vehicle to ORDUNO.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29